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Filing date: **04/20/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91198951
Party	Defendant Griffin Technology, Inc.
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Attachments	GT030OppositionResponse042011p.pdf ( 6 pages )(42577 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Application Serial No. 85/095,701  
Filed: July 29, 2010  
For the Mark: RESERVE  
Published in the Official Gazette on January 11, 2011

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MOPHIE, INC.  
Opposer,

v. : Opposition No. 91198951

GRIFFIN TECHNOLOGY, INC., :  
Applicant. :  
:

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**APPLICANT'S ANSWER TO OPPOSER**

Griffin Technology, Inc. (hereinafter "Applicant"), a corporation duly organized and existing under the laws of Tennessee, having a principal place of business at 2030 Lindell Avenue, Nashville TN 37210 hereby answers Opposer's Notice of Opposition as follows.

1. Upon information and belief, Applicant Griffin Technology, Inc. (hereinafter "Applicant"), is a Tennessee corporation having its principal place of business at 1930 Air Lane Drive, Nashville TN 37210.

ANSWER: Denied. Griffin has recently moved to 2030 Lindell Avenue, Nashville, TN 37203.

2. Upon information and belief, Applicant is engaged in the business of developing,

manufacturing, marketing, and selling detachable rechargeable batteries and chargers for detachable rechargeable batteries.

ANSWER: Admitted.

3. On July 29, 2010, Applicant filed Application Serial No. 85/095,701 (the “Griffin Application”) to register, on the Principal Register, the mark RESERVE (hereinafter the “Applicant’s Mark”) for “chargers having detachable power supplies for electronic devices, namely, chargers for mobile phones and digital music players having detachable rechargeable batteries” (hereinafter the “Applicant’s Goods”).

ANSWER: Admitted.

4. Applicant’s Mark was published for opposition in the *Official Gazette* on January 11, 2011.

ANSWER: Admitted.

5. Opposer is a leading developer and manufacturer of rechargeable batteries and accessories for use with mobile electronic devices.

ANSWER: Admitted based upon information and belief.

6. On October 4, 2010, Opposer filed Application Serial No. 85/144,836 (“Juice Pack Application”) to register, on the Principal Register, the mark MOPHIE JUICE PACK RESERVE for “Rechargeable batteries for use with mobile electronic devices, namely mobile phones, digital audio and video players, handheld computers, personal digital assistants, electronic organizers, electronic notepads, and cameras; battery chargers” (hereinafter the “Mophie Goods”).

ANSWER: Admitted upon information and belief.

7. Opposer has been advised by the United States Patent and Trademark Office that the Juice Pack Application will be refused registration if the Griffin Application matures into a registration.

ANSWER: Applicant is without sufficient knowledge to admit or deny this allegation, denied.

8. Opposer has also been advised by the United States Patent and Trademark Office that the term “reserve” is descriptive of rechargeable batteries and battery chargers and must be disclaimed.

ANSWER: Applicant is without sufficient knowledge to admit or deny this allegation, denied.

9. Applicant's Mark, RESERVE, is merely descriptive of Applicant's Goods, namely detachable rechargeable batteries and battery chargers for detachable rechargeable batteries.

ANSWER: Denied.

10. Applicant's Mark is not inherently distinctive and has not acquired distinctiveness, or secondary meaning.

ANSWER: Denied.

11. Applicant's Mark is not and would not be recognized as a trademark by consumers.

ANSWER: Denied.

12. If the Applicant is granted the registration herein opposed, it would obtain at least a *prima facie* exclusive right to the use of its proposed mark. Such registration would be a source of damage and injury to the Opposer.

ANSWER: Denied.

WHEREFORE, Applicant respectfully requests that this opposition be denied and that the registration sought by Applicant be granted.

Respectfully submitted,

GRIFFIN TECHNOLOGY, INC.

Date: April 20, 2011 By: \_\_\_\_\_/JasonLeifHornkohl/\_\_\_\_\_

Attorney for Applicant

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 20, 2011, this Answer is being deposited with the United States Postal Service, with sufficient postage as first class mail addressed to:

Michelle Hon Donovan  
DUANE MORRIS LLP  
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San Diego, CA 92101

\_\_\_\_\_/JasonLeifHornkohl/\_\_\_\_

Jason Leif Hornkohl